IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3199 OF 2006

Surendrakumar S/o.
Govardhandas Baheti & Anr. .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.J.N.Singh & L.S.Deshmukh for applicants
Ms.M.M.Deshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 14th September 2006

P.C.

. It is not disputed that pursuant to my

order dated 30th August 2006, the applicants have attended Nigadi police station on the date and time specified therein. They have further made a statement before me that they would attend the said police station as and when summoned till the charge sheet is filed.

2. Applicants are apprehending arrest in C.R.No.M-4 of 2006 which is registered on 26th March 2006 at Nigadi police station for alleged offences punishable under sections 467, 468, 471, 420, 409, 506 and 120B of the I.P.C.

3. It appears that the original complainant and the applicants before me are related. The dispute is on account of some payment and accounts of a company called JTC Carriers Ltd. The complainant is a director of this company whereas the applicants claim to be the Directors of a distinct and separate company Jamuna Transport.

4. Be that as it may, from the complaint and the order passed by the Additional Sessions Judge, it is clear that the dispute is with regard to the accounts and other aspects of the management of the companies which are essentially family managed. The dispute appears to be prima facie civil in nature. Further, the balance sheets and other documents which are part of the records of the Registrar of Companies can be seized and taken possession of by the investigating machinery. It is the complainant's case that she has signed the audit report dated 2nd September 2005 but she was forced to sign certain other documents including balance sheet. At one place this is the allegation whereas before the learned Additional Sessions Judge, A.P.P. submitted on 31st October 2005 that the applicants visited Pune and had been to the residence of complainant and in the presence of his brother in law, they threatened the

complainant with dire consequences and told that even if the complainant would not sign annual report and balance sheet of March 2005, they are very much capable of having the same signed and manage the same. It is alleged that in the presence of complainant accused No.1 forged the signature of complainant and the same was submitted to the concerned Government department.

5. Complaint is lodged on 12th June 2006. To my mind, dispute which are essentially arising during the course of management of group or family companies and purely arising out of documents, do not warrant custodial interrogation. More so, when the learned Judge has not adhered to the fact that a complaint is filed vide C.R.No.66 of 2006 against two directors in which anticipatory bail is granted. In fact, it appears that the learned Judge was not averse to granting same relief to the present applicants but was influenced largely by the fact

that P.I. Nigadi police station had been to Kolkata in connection with the investigation and the applicants did not make themselves available for the same. There are some other crimes registered against the company of which applicants are directors. The applicants being Kolkata based the relief was denied to them.

6. In my view, considering the nature of disputes, further the applicants having attended the police station and also no material being produced that they will not be available at the stage of trial, they deserve to be enlarged on bail, in the event of their arrest in the subject C.R. Hence, following order:-

i) In the event of the arrest of the applicants in connection with C.R.No.M-4/2006 registered with Nigadi police station the applicants (1) Surendrakumar Baheti and (2) Pramodkumar

Babulal Agarwal shall be enlarged on bail in the sum of Rs.25,000/- each with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will attend the Nigadi police station as and when summoned.

iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)